IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Bail Appl..No. 1007 of 2007()

CRIME NO.592/06 OF ALAPPUZHA SOUTH POLICE STATION

: PETITIONER/2ND ACCUSED

KAPIL A. @ SHAJI, S/O. ALIYARKUNJU,
AGED 25 YEARS, KAMAL NIVAS, PAZHAVEEDU P.O.,
ALAPPUZHA.

BY ADV. SRI.G.PRIYADARSAN THAMPI

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTING
SUB INSPECTOR OF POLICE, ALAPPUZHA POLICE STATION,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/02/2007, ALONG WITH BA.1017/07 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - - -

BAIL APPLICATION NOs.1007/07 & 1017/07

- - - - - - - - - ---------- - - - - -

DATED THIS THE 21ST DAY OF FEBRUARY, 2007

O R D E R

The common petitioner in these applications for anticipatory bail is the 3rd accused in Crime No.592/06 and 1st accused in Crime No.16/07 of Alappuzha South Police Station. Crime No.592/06 has been registered for offences punishable under sections 143, 147, 148, 447, 324 and 506(ii), 326 and 308 read with section 149 IPC and the weapon involved is an axe. Crime No.16/07 has been registered for offences punishable under sections 324 and 308 read with section 34 IPC and the weapon involved is a sword stick.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is a habitual offender who takes revels in attacking Police officials and he is an accused in a murder case and an accused in an NDPS offence.

3. Anticipatory bail cannot be granted in cases of this nature. There is no reason why the petitioner should not surrender before the Investigating Officer concerned for interrogation and then seek regular bail from the Magistrate. Accordingly, the petitioner is directed to surrender before the Investigating Officer in both the above crimes on any day between 26.2.2007 and 28.2.2007 for the purpose of

interrogation and recovery of incriminating materials, if any. The petitioner shall thereafter be produced before he Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the applications, if any, filed by the petitioner for regular bail, preferably on the same date on which such applications are filed.

These petitions are disposed of as above.

V.RAMKUMAR, JUDGE

dsn